

WSR 22-03-035
PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed January 11, 2022, 2:17 p.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to amend chapter 374-70 WAC, Heating oil pollution liability insurance program, to reflect statutory changes and to update how the agency administers the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.330.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 70A.330.040, Washington's legislature authorized PLIA to establish the heating oil pollution liability insurance program to assist owners and operators of heating oil tanks. In 2020, the legislature directed PLIA to transition the heating oil insurance program to the agency's revolving loan and grant program as described in chapter 70A.345 RCW. PLIA has since made updates in how the heating oil insurance program is administered and requires these updates to be reflected in rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PLIA provides advice and technical assistance to heating oil tank owners with a confirmed release as well as pay the clean-up costs for program registrants. PLIA's services ensure that clean-up efforts meet the substantive requirements of the Model Toxics Control Act, chapters 70A.305 RCW and 173-340 WAC. The department of ecology regulates and enforces cleanup of hazardous waste sites such as heating oil contamination. PLIA will communicate with and inform the department of ecology of potential impacts.

Process for Developing New Rule: PLIA will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phi Ly, P.O. Box 40930, Olympia, WA 98504, phone 800-822-3905, email rules@plia.wa.gov, website www.plia.wa.gov.

January 11, 2022
Phi Ly
Legislative and Policy Manager